

Amendments to the Drawings:

The attached sheets of drawings include changes to the labeling of each Figure and include the addition of the term "(PRIOR ART)" to FIGS. 1A - 3C as required by the Examiner. FIG. 4A - 4I have also been provided with a "(PRIOR ART)" label.

Attachment: Annotated Sheets 1 - 5 Showing Changes

Replacement Sheets 1 - 5

REMARKS/ARGUMENTS

In the office action, the Examiner objected to the declaration for two reasons: (1) the declaration did not identify the provisional application of which priority is claimed and (2) the declaration did not identify the post office address of each inventor. In response to this objection, a new declaration is submitted herewith setting forth post office addresses of the inventors. The new declaration does not identify the provisional application because such identification is not required by statute or rule. Acceptance of the replacement declaration is requested.

The Examiner also objected to the drawings as selected drawings were not identified as “prior art” even though only prior art features were illustrated. In response to this objection, annotated and replacement drawings are submitted herewith. In addition to the “prior art” labeling, other labeling amendments were made to place the drawings in conformance with USPTO drawing label requirements.

The Examiner also objected to the specification due to various informalities. Amendments to the specification have been made herein to correct the noted informalities as well as to correct other informalities. No new matter is added by the corrections made of the specification.

The Examiner also objected to claim 14 due to a perceived informality in the claim. In response to this objection, claim 14 has been amended to address the concern expressed by the Examiner.

The Examiner also rejected claims 14 – 21 under 35 USC 112, second paragraph, as being indefinite due to various issues associated with claim 14. In response to these issues, Applicant has amended claim 14 to make clear and definite the subject matter being claimed.

The Examiner rejected claims 14 – 19 under 35 USC 102(e) as anticipated by Cohen et al. (USP 7,160,429) or under 35 USC 103(a) as being obvious over Cohen. This rejection is traversed. Claim 14 requires that “... the mask comprises at least two different materials where the material that is brought in proximity to or in contact with the substrate or the selected previously formed layer is less conformable than another material from which the mask is comprised.” It is true that this type of masking is taught by the ‘429 reference however, these teachings are not prior art against the present application. The ‘429 reference has a filing date of May 7, 2003 and two priority claims of December 3, 2002 and May 7, 2002 while the present

application has a filing date of November 26, 2003 and a priority date of November 26, 2002. The November 26, 2002 filing priority date provides support for the subject matter being claimed herein. Those portions of the '429 reference that provide teachings related to the use of "non-conformable masks", i.e. masks where the contact portions are less conformable than other portions of the mask were not inserted until the December 3, 2002 priority date (which is seven days after the effective date of the claims of the present application). As such the '429 reference cannot provide effective prior art teachings relative to the present application.

Furthermore, as the invention of the '429 reference had an obligation of assignment to the same entity as the present application and as the teachings of in the '429 reference were not public knowledge at the time of the invention of the present application was made, it is believed that the rejection is improper for this reason as well.

The Examiner also rejected claims 20 and 21 under 35 USC 103 as being unpatentable over the teachings of Cohen ('429). This rejection is traversed for the same reasons noted above.

In view of the amendments and remarks above, the application is believed to be in condition for allowance and reconsideration and withdrawal of the rejections and passage to allowance is earnestly solicited. If a telephonic interview would be useful to clear up any issues raised by this amendment or otherwise remaining in the application, the Examiner is requested to contact the undersigned to discuss such issues.

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Respectfully submitted,

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